

Sumter City-County Zoning Board of Appeals

November 10, 2010

BOA-10-35, 100 W. College St. (City)

I. THE REQUEST

Applicant:	James, Durant, Matthews & Shelley, Inc. on behalf of Morris College
Status of the Applicant:	Project Architect
Request:	A 7 ft. 4.5 in. height variance from the 45 ft. height restriction for non residential buildings in the R-6 district, in order to construct a new 52 ft. 4.5 in. tall dormitory building.
Location:	100 W College St. – Morris College Campus
Present Use/Zoning:	Residential / R-6
Tax Map Reference:	229-12-04-001

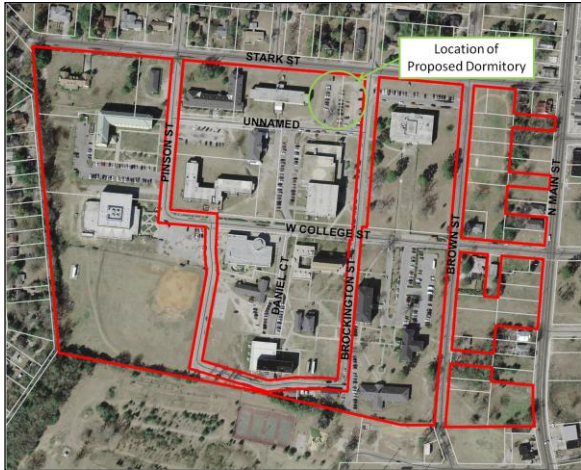
II. BACKGROUND

Morris College is a historically African-American coeducational liberal arts college established in 1908. The campus spans approximately two by three blocks in north Sumter and is bounded by Stark St. to the north, Riley Park to the South, N. Main St. to the east and historic residential subdivisions to the west. The entire perimeter of campus is enclosed by fencing with the main entrance located at the corner of Brown and College streets.

In the beginning of 2010, the College began a multi-year plan to upgrade existing campus facilities and construct new facilities to accommodate the growing student population and to expand curriculum offering. Although the College has an informal layout with no true historic center, the master planning process currently being employed by Morris College is utilizing the existing uneven building distribution and the loosely gridded streets and walkways through the campus to create a cohesive campus environment. As part of this master planning process, a new four-story co-ed dormitory is planned to maximize the use of existing space adjacent to established residence halls.

III. REQUEST

The applicant is requesting a 7 ft. 4.5 in. height variance from the 45 ft. height restriction for non residential buildings in the R-6 district, in order to construct a new 52 ft. 4.5 in. tall four-story dormitory building.



The College is proposing to construct a new four-story dormitory building on the northern edge of main campus in the area indicated in the graphic to the left. The Morris College Campus has several buildings on site in the three to four story height ranges, some of which are shown below.

In part, previous structures such as the ADMS building were able to exceed a peak height of 45 ft. because the definition of height in previous versions of the City Zoning Ordinance allowed building height to be averaged from the lowest to highest point of the roof.

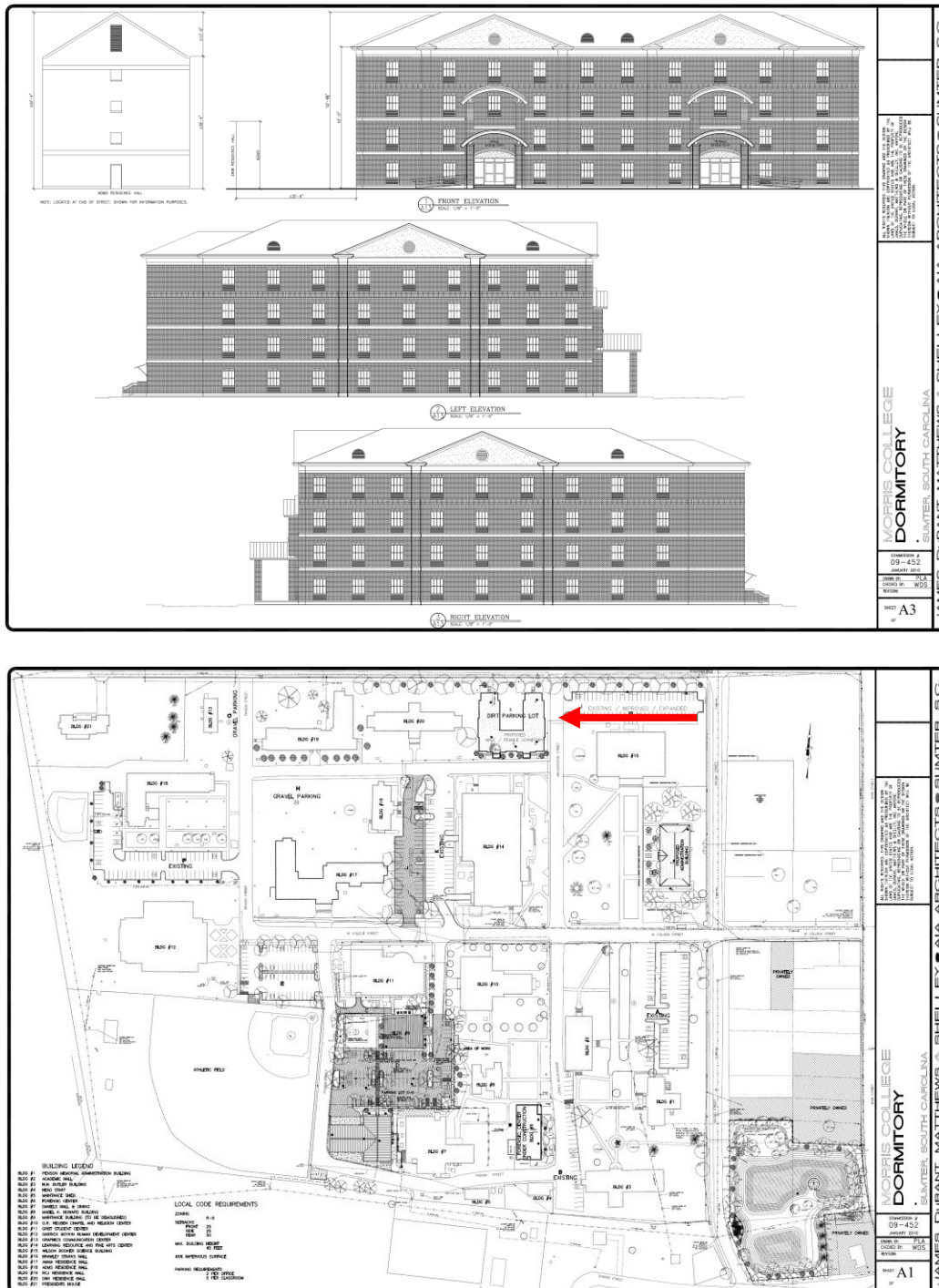


*Above: (left) ADMS Residence Hall (right) Learning Resource Center
Below: (left) Daniel Residence Hall (right) Brawley-Starks Building*



Because the proposed structure is planned to be 52 ft. 4.5 in. tall, a variance must be granted prior to issuance of permits. As a part of the BOA application, the applicant

submitted a schematic site construction drawing and elevations showing the proposed size and location of the dormitory on campus.



In order for the Board of Appeals to grant a variance from the Zoning Ordinance, the proposed variance request must meet all four-parts of a State mandated four-part test. When reviewing a variance request, the Board may not grant a variance that would do the following:

- Allow the establishment of a use not otherwise permitted in a zoning district;
- Extend physically a nonconforming use of land;
- Change zoning district boundaries shown on the Sumter City-County Official Zoning Map.

The fact that a property may be utilized more profitably should a variance be granted shall not be considered grounds for approving a variance request.

III. FOUR PART TEST

1) There are extraordinary and exceptional conditions pertaining to the particular piece of property.

The Morris College Campus is a +/-30.0 acre academic enclave surrounded by a landscape dominated by the presence of one-story single-family detached dwellings and single-story commercial retail buildings. The main campus is a self-contained area distinctly separate from the commercial and residential development around it.

Height regulations were developed to control non-residential building heights from parcel to parcel and to protect adjacent property's view-sheds. Height restrictions also prevent the blocking of natural light in densely built districts such as the R-6 zoning district. However, in this instance, no structure on the Morris College Campus is close enough to residential development to impact view-sheds or natural light on adjacent residential parcels.

2) These conditions do not generally apply to other property in the vicinity.

Morris College is a long established academic institution whose purpose and design is distinctly different from the adjacent residential and commercial development. The historic development of the campus since 1908 has resulted in a loosely built and uneven development of the campus. As part of the master planning process, Morris College is utilizing the existing uneven building distribution and the loosely gridded streets and walkways throughout the campus to create a cohesive campus environment through in-fill development. As part of this master planning process, a new four-story co-ed dormitory is planned to maximize the use of existing space adjacent to established residence halls.

3) Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.

Morris College is constrained by existing residential and commercial development as well as the established road network in the community on all sides. In order to maximize development on campus and to implement a functional master plan, existing space must be utilized in an efficient manner. As such, the construction of a four-story co-ed residence hall maximizes available space while respecting the established heights on

Campus. Without a 7 ft. 4.5 in. height variance, a second residence hall structure would become necessary to provide the required number of rooms Morris College needs to accommodate the existing student population. Given the existing space constraints on campus, there does not appear to be a suitable location to accommodate two smaller residence hall buildings.

4) The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the granting of the variance will not harm the character of the district.

The authorization of this variance will not be of substantial detriment to the adjacent property. The proposed location of the building will not impact and established view-sheds nor will it block natural light to adjacent residential structures to the north on Stark St. Granting this 7 ft. 4.5 in. height variance will not harm the public good as the only properties impacted by this request are under the ownership of Morris College and integrated into the main campus area.

IV. STAFF RECOMMENDATION

Staff recommends approval based on the fact that the proposal meets the requirements of the Four-Part Test.

V. DRAFT MOTIONS FOR BOA-10-35

- A. I move that the Zoning Board of Appeals approve BOA-10-35, subject to the findings of fact and conclusions contained in the draft order, dated November 10, 2010 attached as Exhibit 1.
- B. I move that the Zoning Board of Appeals deny BOA-10-35, subject to the following findings of fact and conclusions:
- C. I move that the Zoning Board of Appeals enter an alternative motion for BOA-10-35.

VI. ZONING BOARD OF APPEALS – NOVEMBER 10, 2010

The Sumter City-County Board of Appeals at its meeting on Wednesday, November 10, 2010, voted to approve this request subject to the findings of fact and conclusions attached as exhibit 1.

Exhibit 1
Order on Variance Application
Board of Zoning Appeals

BOA-10-35, James, Durant, Matthews & Shelley
for Morris College
100 West College Street (City)
November 10, 2010

Date Filed: November 10, 2010

Permit Case No. BOA-10-35

The Board of Zoning Appeals held a public hearing on Wednesday, November 10, 2010 to consider the appeal of James, Durant, Matthews & Shelley for Morris College of 100 West College St. for a variance from the strict application of the Zoning Ordinance as set forth on Form 3 affecting the property described on Form 1 filed herein. After consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions.

1. The Board concludes that Applicant ☒ **has** - ☐ **does not have** an unnecessary hardship because there are extraordinary and exceptional conditions pertaining to the particular piece of property based on the following findings of fact:

The Morris College Campus is a +/-30.0 acre academic enclave surrounded by a landscape dominated by the presence of one-story single-family detached dwellings and single-story commercial retail buildings. The main campus is a self-contained area distinctly separate from the commercial and residential development around it.

Height regulations were developed to control non-residential building heights from parcel to parcel and to protect adjacent property's view-sheds. Height restrictions also prevent the blocking of natural light in densely built districts such as the R-6 zoning district. However, no structure on the Morris College Campus is close enough to residential development to impact view-sheds or natural light on adjacent residential parcels.

2. The Board concludes that these conditions ☐ **do** - ☒ **do not** generally apply to other property in the vicinity based on the following findings of fact:

Morris College is a long established academic institution whose purpose and design is distinctly different from the adjacent residential and commercial development. The historic development of the campus since 1908 has resulted in a loosely built and uneven development of the campus. As part of the master

planning process, Morris College is utilizing the existing uneven building distribution and the loosely gridded streets and walkways throughout the campus to create a cohesive campus environment through in-fill development.

3. The Board concludes that because of these conditions, the application of the ordinance to the particular piece of property ☒ **would** - ☐ **would not** effectively prohibit or unreasonably restrict the utilization of the property based on the following findings of fact:

Morris College is constrained by existing residential and commercial development as well as the established road network in the community on all sides. In order to maximize development on campus, existing space must be utilized in an efficient manner. Construction of a four-story co-ed residence hall maximizes available space while respecting the established building heights on Campus. Given the existing space constraints on campus, there does not appear to be a suitable location to accommodate two smaller residence hall buildings in addition to the planned academic facilities.

4. The Board concludes that authorization of the variance ☐ **will** - ☒ **will not** be of substantial detriment to adjacent property or to the public good, and the character of the district ☐ **will** - ☒ **will not** be harmed by the granting of the variance based on the following findings of fact:

Granting this 7 ft. 4.5 in. height variance will not be of substantial detriment nor will it harm the public good as the only properties impacted by this request are under the ownership of Morris College and integrated into the Main Campus area.

THE BOARD, THEREFORE, ORDERS that the variance is ☐ **DENIED** – ☒ **GRANTED**.

Approved by the Board by majority vote.

Date issued: _____

Chairman

Date mailed to parties in interest: _____

Secretary

Notice of appeal to Circuit Court must be filed within 30 days after date this Order was mailed.